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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,196	07/31/2003	Kevin M. Patfield	LUTZ 2 00223	3954
48116 FAY SHARPE		06/11/2008 EXAMINER		
1100 SUPERIO	OR AVE		ZAIDI, SYED	
SEVENTH FLOOR CLEVELAND, OH 44114			ART UNIT	PAPER NUMBER
			2616	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Summary	10/632,196	PATFIELD, KEVIN M.				
Office Action Summary	Examiner	Art Unit				
The MAILING DATE of this communication com	SYED ZAIDI	2616				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timulated and will expire SIX (6) MONTHS from cause the application to become ABANDONE	J. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 18 Fe	<u>ebruary 2008</u> .					
2a) This action is FINAL . 2b) ☐ This	This action is FINAL . 2b)⊠ This action is non-final.					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-15</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-15</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>31 July 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
dee the attached detailed Office action for a list of the certified copies not received.						
Augustus						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:	atent Application				
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Detailed Action

Response to Arguments

Applicant's arguments filed February 18, 2008 with respect to claims 1-16 have been fully considered but they are moot with respect new grounds of rejection.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* **v**. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1- 4, and 8-12 are rejected under 35 are rejected under 35 U.S.C. 103(a) as being obvious by Elliott et al., (U.S. Patent Application Publication # 2004/0022237 A1) in view of Svennevik et al., (U.S. Patent # 6,108,705 A1).

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Consider claim 1, Elliott et al., discloses and show within a telecommunications network (paragraph 0005 lines 1-9 Figure 1) a method of processing half-calls each having opposing first and second ends (Paragraph # 0589 lines 1-12, Figure # 1, elements 132, 110, 118, 108, 128), each of said half-calls (Paragraph # 0589 lines 1-12) being one of an originating half-call (Paragraph # 1775 lines 1-3) terminated at the first end thereof by calling consumer premises equipment (paragraph 0012 lines 5-6) and a terminating half-call terminated (Paragraph # 0589) lines 1-12) at the first end thereof by called consumer premises equipment (paragraph 0611 lines 5-10, Figure # 1, elements 128, 132) wherein an associated pair of half-calls connected at their second ends including both an originating and terminating half-call completes a call connecting the consumer premises equipment terminating the respective first ends of the half-calls that form the pair, said method comprising: However, Elliott et al., do not clearly disclose, applying identifiers to

originating half-calls such that the originating half-calls are distinctly identifiable thereby with respect to one another, said identifiers thereafter accompanying terminating half-calls that form associated pairs of half-calls together with the originating half-calls to which the identifiers were applied and, (b) examining terminating half-calls to detect the identifiers such that upon detection of the identifiers the terminating half-calls accompanying the detected identifiers and the originating half-calls to which the identifier were applied are recognized as associated pairs of half-calls.

In the same field of endeavor **Svennevik et al.**, clearly shows and discloses applying identifiers to originating half-calls such that the originating half-calls (**Column 2 line 17-20**) are distinctly identifiable thereby with respect to one another, said identifiers thereafter accompanying terminating half-calls (**Column 7 line 60-65**) that form associated pairs of half-calls (**Column 7 line 60-65 and figure # 9**) together with the originating half-calls to which the identifiers were applied and (**Column 8 line 8-14**), (b) examining terminating half-calls to (Column 5 line 17-19), detect the identifiers such that upon detection of the identifiers or (**Column 9 line 27-32**), the terminating half-calls accompanying the detected identifiers and the originating half-calls to

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which the identifier were applied are recognized as associated pairs of half-calls (Column 8 line 22-29).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose call context comprising distinctly encoded signals applied to the originating half-calls as taught by **Svennevik et al.**, with the routing method disclosed by **Elliott et al.**, for the purpose of call set up and call forwarding, multimedia interactive conferencing and undetectable Network traffic as disclosed by **Svennevik et al.** (Column 1 line 44-46).

Consider claim 8, Elliott et al., discloses and show within a telecommunications network, wherein within a telecommunications network, a call processing apparatus for processing half-calls each having opposing first and second ends, each of said half-calls being one of an originating half-call terminated at the first end thereof by calling consumer premises equipment and a terminating half-call (paragraph 0610, table 6, lines 9-11) terminated at the first end thereof by called consumer premises equipment, wherein an associated pair of half-calls connected at their second ends including both an originating and terminating half-call completes a call connecting the consumer premises equipment

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terminating the respective first ends of the half-calls that form the pair (paragraph 0610, table 6, lines 9-11) said call processing apparatus comprising: application means for applying identifiers to originating halfcalls such that the originating half-calls are distinctly identifiable thereby with respect to one another (paragraph 0610, table 6, lines 9-11), said identifiers thereafter accompanying terminating half-calls that form associated pairs of half-calls together with the originating half-calls to which the identifiers were applied and, examination means for examining terminating half-calls to detect the identifiers such that upon detection of the identifiers the terminating half-calls accompanying the detected identifiers and the originating half-calls to which the identifier were applied are recognized as associated pairs of half-calls. However, Svennevik et al.., do not clearly disclose, applying identifiers to originating half-calls such that the originating half-calls are distinctly identifiable thereby with respect to one another, said identifiers thereafter accompanying terminating half-calls that form associated pairs of half-calls together with the originating half-calls to which the identifiers were applied and, (b) examining terminating half-calls to detect the identifiers such that upon detection of the identifiers the terminating half-calls accompanying the

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detected identifiers and the originating half-calls to which the identifier wer In the same field of endeavor Svennevik et al., clearly shows and discloses applying identifiers to originating half-calls such that the originating half-calls (Column 2 line 17-20) are distinctly identifiable thereby with respect to one another, said identifiers thereafter accompanying terminating half-calls (Column 7 line 60-65) that form associated pairs of half-calls (Column 7 line 60-65 and figure # 9) together with the originating half-calls to which the identifiers were applied and (Column 8 line 8-14), (b) examining terminating half-calls to (Column 5 line 17-19), detect the identifiers such that upon detection of the identifiers or (Column 9 line 27-32), the terminating half-calls accompanying the detected identifiers and the originating half-calls to which the identifier were applied are recognized as associated pairs of half-calls (Column 8 line 22-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose call context comprising distinctly encoded signals applied to the originating half-calls as taught by **Svennevik et al.**, with the routing method disclosed by **Elliott et al.**, for the purpose of call set up and call

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forwarding, multimedia interactive conferencing and undetectable Network traffic as disclosed by **Svennevik et al. (Column 1 line 44-46).**

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Consider claim 2, Elliott et al., as modified by Svennevik et al., discloses and show the method of claim 1, further comprising: prior to step (a), receiving the originating half-calls from the calling consumer premises equipment over a packet-switched network (Paragraph # 0016 lines 1-12); translating the received originating half-calls (Paragraph # 0589 lines 1-12) from a packet-switched call format to a circuit-switched call format such that each originating half-call defines an originating half-call routing (Paragraph # 0589 lines 1-12) path having a packet-switched portion and a circuit-switched portion; after step (a), directing the received originating half-calls to a circuit-switched network for routing prior to step (b), receiving the terminating half-calls from the (Paragraph # 0589 lines 1-6, Figure # 1, elements 132, 110, 118, 106,117, 104,108 and 128) circuitswitched network, translating the received terminating half-calls from the circuit-switch (Paragraph # 0009 lines 3-12) call format to the packetswitched call format such that each terminating half-call defines a terminating half-call routing path having a packet-switched portion and a circuit-switched portion (Paragraph # 0009 lines 3-12) and, after step (b),

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directing the received terminating half-calls to the called consumer premises equipment over the packet-switched (Paragraph # 0592 lines 1-10, Figure # 2B, elements 204, 304, 232, 234) network (paragraph 0611 lines 5-10, Figure # 1, elements 128, 132, 114).

Consider claim 3, Elliott et al., as modified by Svennevik et al., discloses and show within a telecommunications network (paragraph 0005 lines 1-9 Figure 1) the method of claim 2, wherein upon recognizing associated pairs of half-calls, the respective second ends of the half-calls forming each pair (Paragraph # 0589 lines 1-12, Figure # 1, elements 132, 110, 118, 108, 128) are connected to one another so as to reduce the originating and terminating half-call routing paths defined thereby to only their packet-switched portions (Paragraph # 0011 lines 1-10).

Consider claim 4, Elliott et al., as modified by Svennevik et al., discloses and show within a telecommunications network the method of claim 2, wherein upon recognizing associated pairs of half-calls, the respective second ends of the half-calls forming each pair are connected to one another so as to eliminate the circuit-switched portions from the originating and terminating half-call routing paths defined there by (Paragraph # 0009 lines 3-12).

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Consider claim 9, Elliott et al., as modified by Svennevik et al., discloses and show within a telecommunications network the, wherein the method of claim 8, further comprising, translation means for, receiving the originating half-calls from the calling consumer premises equipment (paragraph 0012 lines 5-6) over a packet-switched network, translating the received originating half-calls from a packet-switched call format to a circuit-switched call format such that each originating half-call defines an originating half-call routing path having a packet-switched portion and a circuit-switched portion (paragraph 0014 lines 5-12 and figure # 1, element 132, 110, 118, 106,117,104,108, 117 and 128) (iii) directing the translated originating half-calls to a circuit-switched network for routing (paragraph 0012 lines 5-6, Figure #1, elements 132, 110, 118, **106,117,104,108, 117** and **128)**, (iv) receiving the terminating half-calls from the circuit-switched network (paragraph 0019 lines 1-8 and figure # 1, elements 132, 110, 118, 106,117,104,108, 117 and 128). (v) translating the received terminating half-calls from the circuit-switch call format to the packet-switched call format such that each terminating halfcall defines a terminating half-call routing path having a packet-switched portion (paragraph 0019 lines 1-8) and a circuit-switched portion

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(paragraph 0008 lines 2-5); and, (vi) directing the translated terminating half-calls to the called consumer premises equipment over the packet-switched network (Paragraph # 0011 lines 1-10).

Consider claim 10, Elliott et al., as modified by Svennevik et al., discloses and show within a telecommunications network the method of claim 9, wherein the translation means comprises a gateway bridging the packet-switched network with the circuit-switched network (paragraph 0019 lines 1-8 and figure #1, elements 132, 110, 118,106,117,104,108, 117 and 128).

Consider claim 11, Elliott et al., as modified by Svennevik et al., discloses and show within the call processing apparatus of claim 9, further comprising: connection means for connecting half-calls recognized as associated pairs such that the respective second ends of the half-calls forming each pair are connected to one another so as to reduce the originating and terminating half-call routing paths defined thereby to only their packet-switched portions (Paragraph # 0011 lines 1-10).

Consider claim 12, Elliott et al., as discloses and show within the call processing apparatus of claim 9, further comprising, further

comprising: connection means for connecting half-calls recognized as associated pairs such that the respective second ends of the half-calls forming each pair are connected to one another so as to eliminate the circuit-switched portions from the originating and terminating half-call routing paths defined thereby. However, Elliott et al., do not clearly disclose, applying identifiers to originating half-calls such that the originating half-calls are distinctly identifiable thereby with respect to one another, said identifiers thereafter accompanying terminating half-calls that form associated pairs of half-calls together with the originating half-calls to which the identifiers were applied and, (b) examining terminating half-calls to detect the identifiers such that upon detection of the identifiers the terminating half-calls accompanying the detected identifiers and the originating half-calls to which the identifier were applied are recognized as associated pairs of half-calls.

In the same field of endeavor **Svennevik et al.**, clearly shows and discloses applying identifiers to originating half-calls such that the originating half-calls (**Column 2 line 17-20**) are distinctly identifiable thereby with respect to one another, said identifiers thereafter accompanying terminating half-calls (**Column 7 line 60-65**) that form

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associated pairs of half-calls (Column 7 line 60-65 and figure # 9) together with the originating half-calls to which the identifiers were applied and (Column 8 line 8-14), (b) examining terminating half-calls to (Column 5 line 17-19), detect the identifiers such that upon detection of the identifiers or (Column 9 line 27-32), the terminating half-calls accompanying the detected identifiers and the originating half-calls to which the identifier were applied are recognized as associated pairs of half-calls (Column 8 line 22-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose call context comprising distinctly encoded signals applied to the originating half-calls as taught by **Svennevik et al.**, with the routing method disclosed by **Elliott et al.**, for the purpose of call set up and call forwarding, multimedia interactive conferencing and undetectable Network traffic as disclosed by **Svennevik et al.** (**Column 1 line 44-46**).

Claims 5, 6, 7 are rejected under 35 are rejected under 35 U.S.C. 103(a) as being anticipated by Elliott et al., (U.S. Patent Application Publication # 2004/0022237 A1) in view of Svennevik et al., (U.S. Patent

6,108,705 A1) and further inview of **Thi et al.**, (U.S. Patent # 6,985,492 B1).

Consider claim 5, as applied in claim 1, Elliott et al., as modified by Svennevik et al., discloses and show within a telecommunications network the method of claim above, wherein the identifiers are audio watermarks, said audio watermarks comprising distinctly encoded signals applied to the originating half-calls. However, Elliott et al., do not clearly disclose, originating and terminating half-calls to which the audio watermarks comprising distinctly encoded signals applied to the originating half-calls.

In the same field of endeavor **Thi et al.**, clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls (**Column 20**, **lines 17-23**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls. as taught by **Thi et al.**, with the routing method disclosed by **Elliott et al.**, and **Svennevik et al.**, for the purpose of V/IP, and traffic through IP Gateway and secure switch for IP Network traffic.

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Consider claim 6, as applied in claim 5, Elliott et al., as modified by Svennevik et al., discloses and show within a telecommunications network the method of claim above, wherein step (a) comprises: superimposing the audio watermarks on traffic being delivered via the originating half-calls. However, Elliott et al., do not clearly disclose, originating and terminating half-calls to which the identifier were applied are recognized as associated pairs of half-calls.

In the same field of endeavor **Thi et al.**, clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls (**Column 20**, **lines 17-23**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls. as taught by **Thi et al.**, with the routing method disclosed by **Elliott et al.**, and **Svennevik et al.**, for the purpose of V/IP, and traffic through IP Gateway and secure and undetectable Network traffic.

Consider claim 7, as applied in claim 6, Elliott et al., as modified by Tao, and Thi et al., discloses and show within a telecommunications

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network the method of claim above, wherein the method of claim 6, wherein the audio watermarks are substantially unperceivable by end users employing the consumer premises equipment. However, **Elliott et al.**, do not clearly disclose, originating and terminating half-calls to which the identifier were applied are recognized as associated pairs of half-calls.

In the same field of endeavor **Thi et al.**, clearly show and disclose audio watermarks are substantially unperceivable by end users employing the consumer premises equipment **(Column 20, lines 17-23).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls. as taught by **Thi et al.**, with the routing method disclosed by **Elliott et al.**, and **Svennevik et al.**, for the purpose of V/IP, and traffic through IP Gateway and secure and undetectable Network traffic.

Claims 13, 14 and 15 are rejected under 35 are rejected under 35 U.S.C. 103(a) as being anticipated by Elliott et al., (U S. Patent Application Publication # 2004/0022237 A1) in view of Svennevik et al., (U.S. Patent

6,108,705 A1) and further inview of **Thi et al.**, (U.S. Patent # 6,985,492 B1).

Consider claim 13, as applied in claim 8, Elliott et al., and

Svennevik et al., discloses and show within the call processing apparatus of claim above, wherein the identifiers are audio watermarks, said audio watermarks comprising distinctly encoded signals applied to the originating half-calls by the application means. However, Elliott et al., do not clearly disclose, originating and terminating half-calls to which the audio watermarks comprising distinctly encoded signals applied to the originating half-calls.

In the same field of endeavor **Thi et al.**, clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls (**Column 20**, **lines 17-23**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls as taught by **Thi et al.**, with the routing method disclosed by **Elliott et al.**, and **Tao.** for the purpose of V/IP, and traffic through IP Gateway and secure switch for IP Network traffic.

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Consider claim 14, as applied in claim 12, Elliott et al., as modified by Svennevik et al., discloses and show within the call processing apparatus of claim above, wherein the application means superimposes the audio watermarks on traffic being delivered via the originating half-calls. However, Elliott et al., do not clearly disclose, originating and terminating half-calls to which the identifier were applied are recognized as associated pairs of half-calls.

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In the same field of endeavor **Thi et al.**, clearly show and disclose audio watermarks are substantially unperceivable by end users employing the consumer premises equipment **(Column 20, lines 17-23).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls. as taught by **Thi et al.**, with the routing method disclosed by **Elliott et al.**, and **Svennevik et al.**, for the purpose of V/IP, and traffic through IP Gateway and secure and undetectable Network traffic.

Consider claim 15, as applied in claim 13, Elliott et al., as modified by Svennevik et al., discloses and show within the call processing

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apparatus of claim above, wherein the audio watermarks are substantially unperceivable by end users employing the consumer premises equipment. However, **Elliott et al.**, do not clearly disclose, originating and terminating half-calls to which the identifier were applied are recognized as associated pairs of half-calls.

In the same field of endeavor **Thi et al.**, clearly show and disclose audio watermarks are substantially unperceivable by end users employing the consumer premises equipment **(Column 20, lines 17-23).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate clearly show and disclose audio watermarks comprising distinctly encoded signals applied to the originating half-calls. as taught by **Thi et al.**, with the routing method disclosed by **Elliott et al.**, and **Svennevik et al.**, for the purpose of V/IP, and traffic through IP Gateway and secure and undetectable Network traffic.

Conclusion

THIS ACTION IS MADE FINAL.

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Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window Randolph Building

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401 Dulany Street Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Syed S.Zaidi whose telephone number is (571) 270-1779. The examiner can normally be reached on Monday - Friday 8:00-5:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema S.Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Syed S.Zaidi S.Z./sz.

May 29th 2008

/Nick Corsaro/ Supervisory Patent Examiner, Art Unit 2617